

### **REMARKS**

Claims 4-9, 13-15, and 17-18 have been amended, and Claim 22 has been added. Claims 1-3, 10-12, 16 and 19-21 have been canceled without prejudice. Applicants reserve the right to file a continuing application that presents the subject matter of the canceled claims for examination on the merits. Claims 4-9, 13-15, 17-18 and 22 are now present in the application. The foregoing amendments reduce both the number of independent claims and the total number of claims, and thus do not necessitate the payment of any additional filing fee. Applicants respectfully request reconsideration of the application, as amended.

#### **Amendment to the Specification**

The Office Action raised an objection to the specification. In particular, the Office Action indicated that the sentence at lines 13-15 on page 14 is unclear, and required appropriate correction. The sentence in question is related to and is worded similar to another sentence in the same paragraph (at lines 7-9 on page 14). The foregoing amendment to the specification revises the sentence from lines 13-15 on page 14 so that its wording is parallel to the wording of the sentence from lines 7-9 on page 14. This change does not introduce any new matter into the disclosure of the present invention. It is respectfully submitted that the specification is now in proper form, and notice to that effect is respectfully requested.

#### **Allowable Subject Matter**

Noted with appreciation is the indication on page 2 of the Office Action that Claim 13 recites allowable subject matter, and would be allowed if rewritten in independent form. Claim 13 depended from Claims 10, 11 and 12. Accordingly, the foregoing amendments add to Claim 13 the limitations from each of Claims 10-12, in order to place Claim 13 in independent form. This modification merely places Claim 13 in independent form, without effecting any

change to the intended scope of Claim 13. Claim 13 should thus now be in proper condition for allowance, and notice to that effect is respectfully requested.

Claims 4-9, 13-15 and 17-18 have been amended so that they each now depend directly or indirectly from allowable Claim 13. Further, where necessary, the wording of these claims has been adjusted so as to be consistent with the wording used in Claim 13. The Office Action rejected Claim 2 (now canceled) under the first paragraph of 35 U.S.C. §112, and also rejected Claims 4-9 under §112 merely because they depended from Claim 2. Since Claims 4-9 each now depend from a claim other than Claim 2, it is respectfully submitted that they are no longer affected by the §112 rejection that was asserted against Claim 2. For these reasons, it is respectfully submitted that Claims 4-9, 13-15 and 17-18 are all in proper form, and should be allowable with Claim 13.

#### Comment on Statement of Reason for Allowance

In association with the indication that Claim 13 recites allowable subject matter, page 2 of the Office Action includes a statement by the Examiner of a reason for allowing Claim 13. Applicants agree that Claim 13 recites allowable subject matter. However, Applicants do not agree in all respects with the stated reason for allowance. For example, Applicants respectfully submit that the stated reason should not be interpreted to mean that there are no other reasons which separately and independently support the allowability of the independent claim and/or the dependent claims.

#### Information Disclosure Statement

With reference to the Background section of the specification, the last two paragraphs discuss Rakavy U.S. Patent No. 5,913,040. It has been noted that, through an inadvertent oversight, Rakavy has not yet been formally cited by either the Applicants or the Examiner. Accordingly, Applicants are filing concurrently herewith an Information Disclosure Statement, which formally cites the Rakavy patent. The Information Disclosure Statement is accompanied

by the fee that is needed to submit an IDS at this point in the examination process. Since Applicants were aware of Rakavy at the time that the present application was prepared, the originally-filed claims were drafted to be distinct from Rakavy. Consequently, since Claim 13 has now been indicated to be allowable with its originally-filed scope, and since all of the other pending claims depend directly or indirectly from Claim 13, Applicants believe that all of the pending claims are patentably distinct from Rakavy.

#### Conclusion

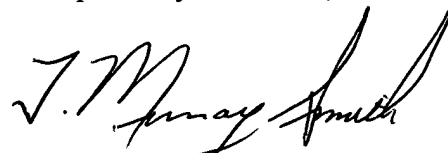
Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at 972-739-8647.

Appl. No. 09/745,937  
Reply to Office Action of June 28, 2004

Attorney Docket No. 28006.12  
Customer No. 27683

Although Applicants believe that no additional fees are due, the Commissioner is hereby authorized to charge any fees required by this paper, or to credit any overpayment, to Deposit Account No. 08-1394 of Haynes and Boone LLP.

Respectfully submitted,



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Enclosures: Information Disclosure Statement, with enclosures  
Check (\$180.00)  
Acknowledgment Postcard

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